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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,252	08/03/2001	Jen-Shou Tseng	JCLA7248	7618
43831	7590	02/16/2006	EXAMINER	
BERKELEY LAW & TECHNOLOGY GROUP 1700NW 167TH PLACE SUITE 240 BEAVERTON, OR 97006			VILLECCO, JOHN M	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/922,252	TSENG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	John M. Villecco	2612	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,5 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,2,4,5 and 7-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Argument*

1. Regarding claim 1, the applicant argues that the combination of Tsai, Kato and Hayakawa fails to disclose “a vibration sensor mounted on the light-sensing device”. However, the examiner contends that Hayakawa does disclose a vibration sensor mounted on the light sensing device. The phrase “light sensing device” is very broad. Based on the newly amended claims, the examiner is interpreting the camera body and the accompanying film or CCD as the light sensing device.
2. Additionally, applicant argues that the combination of Tsai, Kato and Hayakawa fails to disclose “measuring the magnitude of a vibration of the light sensing device” as claimed in claim 4. However, based on the newly amended claims, the examiner is interpreting the vibration sensor of Hayakawa to be the device capable of measuring the magnitude of vibration of the light sensing device.
3. Applicant has amended claims 1 and 4 to further define what they envision their invention to be. However, each of the applicant’s amendments to claims 1 and 4 eliminate the necessity of reading the preamble as a structural limitation, since the claim limitations make no reference back to the preamble. Since the preamble does not refer to the limitations of the claim nor is it necessary to give meaning to the claim, the preamble is not given patentable weight. See *Pitney Bowes Inc v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165-66 (Fed. Cir. 1999) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Also see MPEP §2111.02. Therefore, since the preamble does not have to be given patentable weight,

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the examiner believes that now only Hayakawa can be used to reject the currently pending claims.

4. Additionally, applicant has added new claims 7-10. The examiner believes that Hayakawa can also read on claims 7 and 8. As for claims 9 and 10, applicant has added subject matter which is not supported by the specification and thus, constitutes new matter.

5. Please see the new grounds of rejection for claims 1, 2, 4, 5, and 7-10 on the following pages.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 9 and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. More specifically, applicant has added new claims 9 and 10 which do not appear to be supported by the specification. In line 2-4 of claim 9, applicant recites the limitation of:

a storage medium:

said storage medium having stored thereon instructions, that if executed, result in the following method being performed;

After a thorough review of the contents of the specification a storage medium is never disclosed, nevertheless a storage medium having instructions for carrying out the vibration correction method claimed in claim 9. Thus, newly added claims 9 and 10 constitute new matter.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claims 1, 2, 4, 5, 7, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayakawa (U.S. Patent No. 6,130,993).**

10. Regarding *claim 1*, Hayakawa discloses camera having an image stabilizer for reducing the effects of camera shake during a photographing operation. More specifically, Hayakawa discloses a light sensing device (interpreted to be the camera body (10) and film/CCD (16)), an optical system (mirror, 14), a vibration sensor (vibration sensor, 38) for detecting a magnitude of vibration of the light sensing device (col. 10, lines 36-38), a controller (CPU, 40) connected to the vibration sensor for measuring the magnitude of vibration of the light sensing device and producing a corresponding actuator signal, and an actuator (second stepper motor, 25) connected to the CPU (40) and the optical system (mirror, 14) for moving the mirror (14) such that effects due to vibration are minimized. See column 8, line 20 to column 10, line 67 and Figures 1 and 4.

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Although Hayakawa fails to specifically disclose how the vibration sensor is mounted on the light sensing device, it is inherently mounted somewhere on the body of the light sensing device (camera body (10) and film/CCD (16)) since that is the only place where a magnitude of vibration of the light sensing device can be accurately measured.

11. As for **claim 2**, as mentioned above in the discussion of claim 1, Hayakawa discloses that the optical system is a mirror (14), where in the actuator (stepper motor, 25) adjusts the mirror (14) by rotating it in order to reduce camera shake. See column 12, line 8 to column 13, line 31 and Figure 6.

12. **Claim 4** is considered a method claim corresponding to claim 1. Please see the discussion of claim 1 above.

13. **Claim 5** is considered a method claim corresponding to claim 2. Please see the discussion of claim 2 above.

14. Regarding **claim 7**, Hayakawa discloses camera having an image stabilizer for reducing the effects of camera shake during a photographing operation. More specifically, Hayakawa discloses a light sensing device (interpreted to be the camera body (10) and film/CCD (16)), an optical system (mirror, 14), a means for sensing a vibration (vibration sensor, 38) for detecting a magnitude of vibration of the light sensing device (col. 10, lines 36-38), a means for converting the vibration to an actuator signal (CPU, 40), and a means for adjusting (second stepper motor, 25) an optical system (mirror, 14) according to the actuator signal. See column 8, line 20 to column 10, line 67 and Figures 1 and 4.

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15. As for *claim 8*, Hayakawa discloses that the optical system is a mirror (14), where in the actuator (stepper motor, 25) adjusts the mirror (14) by rotating it in order to reduce camera shake. See column 12, line 8 to column 13, line 31 and Figure 6.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

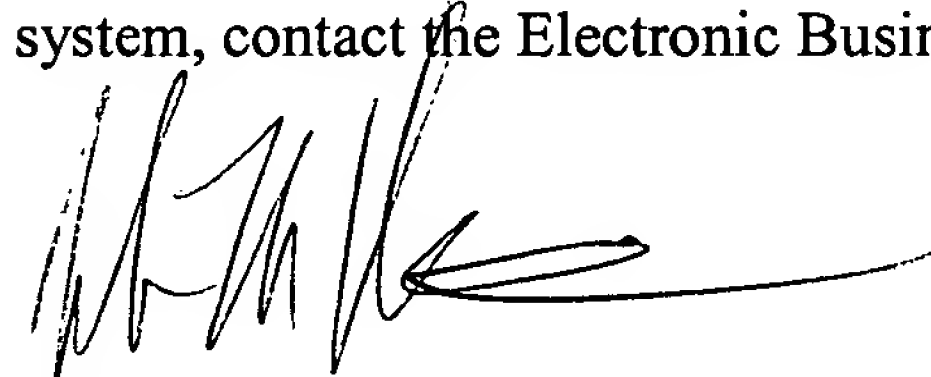
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (571) 272-7319. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Villecco  
February 7, 2006



TUAN HO  
PRIMARY EXAMINER